

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CALVIN MERRITTE, # R-53322, )  
Plaintiff, )  
vs. )  
C/O KESSELL, *et. al.*, )  
Defendants. )  
Case No. 12-cv-00263-JPG-PMF

## **MEMORANDUM AND ORDER**

This matter comes before the Court on Plaintiff's *Pro Se* Objection (Doc. 213) to Magistrate Judge's Order (Doc. 212) denying Plaintiff's Motion to Issue Subpoena (Doc. 211) as the Plaintiff sought production of documents outside the 100 mile limit set forth at Rule 45(c)(2)(A) of the Federal Rules of Civil Procedure.

As stated in Magistrate Judge Frazier's Order: "Although attorneys may issue subpoenas on their own, pro se litigants must have their subpoenas issued through the Court Clerk. Fed.R.Civ.P. 45(a)(3)." At the time Plaintiff filed his Motion to Issue Subpoenas and his Objection to the denial of his motion, he was *pro se*. Subsequently, Plaintiff has been appointed counsel and his attorney may issue subpoenas he believes necessary without approval of the Court.

As such, Plaintiff's *Pro Se* Objection (Doc. 213) to Magistrate Judge's Order (Doc. 212) is **DENIED** as moot.

## IT IS SO ORDERED.

DATED: 10/6/2015

s/J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**